

MILPERSMAN 1611-010

OFFICER PERFORMANCE

Responsible Office	NAVPERSCOM (PERS-83)	Phone:	DSN COM FAX	882-3242 (901) 874-3242 882-2622
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Governing Directives	BUPERSINST 1610.10 Navy Regulations, Article 1122 Uniform Code of Military Justice (UCMJ), Article 15 Manual of the Judge Advocate General (JAGMAN) DOD Instruction 1332.40 NAVSUP P-1, Naval Supply System Command Manual NAVMED P-117, Manual of the Medical Department Navy and Marine Corps Military Pay Procedures Manual
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1. **General Provisions.** General provisions applicable to all officer cases involving performance or conduct:

a. If it is expected that disciplinary action, military or civilian, may be taken against an officer, the officer should not be transferred until such action has been resolved. When a modification of orders is necessary, the Navy Personnel Command (NAVPERSCOM) (PERS-82 and PERS-4) should be notified of the circumstances, provided with recommendations and requested to issue orders as may be appropriate.

b. Although the release from active duty of Reserve officers generally renders them no longer subject to jurisdiction under the Uniform Code of Military Justice (UCMJ) (but see MILPERSMAN 1620-020), there is no authority to retain Reserve officers beyond their normal release from active duty date unless court-martial charges have been preferred. A request to retain a Reserve officer beyond the normal release from active duty date in order to impose nonjudicial punishment will not be granted. If it is not practicable to impose nonjudicial punishment prior to the officer's release from

active duty, the reporting senior should make appropriate comments in the officer's detaching report of fitness.

c. When misconduct or deficiencies in the performance of an officer are discovered after the submission of the officer's report of fitness, a supplemental report of fitness according to BUPERSINST 1610.10 should be submitted as appropriate.

d. Except as provided in MILPERSMAN 1070-020, an officer must be given notice of, and an opportunity to respond to, all adverse matters which are being forwarded to NAVPERSCOM for inclusion in the officer's official record. In cases where an officer has a right to respond, an officer's intention not to make a statement shall be indicated in writing or by the expiration of a stated period of time within which the officer, after having been so advised, was afforded such an opportunity and failed to submit a statement. Any doubt as to whether a particular matter is adverse will be resolved in favor of the officer by referring it to them. Direct the officer's attention to Navy Regulations, Article 1122 for guidelines regarding such statements.

e. NAVPERSCOM (PERS-82) should be informed and kept apprised by appropriate means of communication of incidents involving officer performance or conduct which may be of widespread public interest or those which will require action by NAVPERSCOM concerning the officer's status. Unless indicated otherwise, these reports are intended for information and appropriate action and not for inclusion in an officer's official record. Point of contact information should be provided.

f. When practical to do so with clarity and without prejudice to the officer concerned, facts or details requiring reports to be classified should be omitted. Information should not be classified solely because it is embarrassing or derogatory to the member. Unless required for security reasons, reports of nonjudicial punishment should be designated "For Official Use Only" and transmitted in double envelopes. The outer envelope should be addressed to NAVPERSCOM (PERS-82) and the inner envelope marked "Officer Performance, For Official Use Only."

2. **Misconduct- General Courts-Martial.** When court-martial charges have been preferred against an officer, their commanding

officer will immediately send a copy of the charges and specifications with explanatory information to NAVPERSCOM (PERS-82). The commanding officer will keep NAVPERSCOM (PERS-82) informed of the status and disposition of the charges. Unless indicated otherwise, these reports are intended for information and appropriate action and not for inclusion in an officer's official record.

3. Misconduct- Nonjudicial Punishment

a. Whenever nonjudicial punishment (NJP) is imposed upon an officer, the authority imposing the punishment shall immediately notify NAVPERSCOM (PERS-82) by letter (Nonjudicial Punishment Report) as soon as the results are final, i.e., when the officer declines to appeal, does not appeal within the required time, or after the appeal has been decided.

b. If the officer imposing NJP is not a flag officer, the letter report shall be submitted via the first flag officer in the administrative chain of command. This does not prevent fleet commanders-in-chief or type commanders from requiring letter reports of NJP to be forwarded to NAVPERSCOM through command channels. These required reports are separate and distinct from any reported NJP, which may be contained in investigations or other correspondence.

c. The officer's commanding officer or the authority imposing the punishment will include, in the letter report of NJP, recommendations on the following issues:

(1) Whether the officer should be detached from the command.

(2) Whether the officer's misconduct warrants promotion delay or removal (if on a promotion list).

(3) Whether the officer should be required to show cause for retention.

(a) If any recommendation is negative, forward the report via the officer concerned for acknowledgment and an opportunity to submit a statement. The command will be the second via addressee and will provide appropriate comments on the officer's statement.

(b) The letter report should be forwarded up the administrative chain for flag endorsement as mentioned above.

d. If the officer is recommended for immediate transfer (Detachment for Cause), notify NAVPERSCOM (PERS-8 and PERS-4) by message immediately following disciplinary proceedings. NAVPERSCOM (PERS-4) will initiate action to order in a relief for the officer concerned per current officer transfer directives.

e. Punishment which includes a punitive letter. If the NJP included a punitive letter, the following should be forwarded with the report:

(1) The punitive letter;

(2) Any statement submitted by the officer concerning the letter or the officer's written declination to submit a statement;

(3) A copy of the investigation and other documents which were considered at NJP, to include rights statements; and

(4) A copy of the letter denying the appeal or the officer's written declination to appeal.

(5) A copy of the NAVPERS 1626/7 (Report and Disposition of offenses).

f. Punishment, which does not include a punitive letter, shall include the following:

(1) Offenses for which the punishment was awarded;

(2) A brief description of the circumstances surrounding offenses;

(3) The punishment awarded;

(4) A copy of the investigation and other documents, which were considered at NJP, to include, rights statements;

(5) A copy of the NAVPERS 1626/7 (Report and Disposition of offenses);

(6) A summary of the statement, if made by the officer at NJP;

(7) A copy of the letter denying an appeal or the officer's written declination to appeal; and

(8) A dated acknowledgment by the officer that they have seen the letter report of NJP.

g. Upon receipt of the letter report:

(1) If the NAVPERSCOM/Show Cause Authority (SCA) determines the officer will show cause for retention, relief will be provided when immediate transfer of the officer is desired.

(2) If the officer is not required to show cause for retention, NAVPERSCOM will take action on the recommendation of the commanding officer and flag officer.

(3) When an appeal has been made and there is no NJP approved by the reviewing authority, the letter report will merely forward a copy of the letter granting the appeal since no documentation is included in the officer's official record.

4. **Misconduct- Civil Offenses** In civil action cases where an officer has been arrested in connection with, or charged with a civil offense which, if punished under the UCMJ carries a maximum punishment of confinement for 1 year or more or a punitive discharge or dismissal, the commanding officer shall report initial pertinent information to NAVPERSCOM (PERS-82) by message (Civil Action Report). Subsequent status reports shall be submitted as appropriate. When the results of the civil action become final, the commanding officer shall submit a final report to NAVPERSCOM by letter (Final Civil Action Report). Since this letter may become a part of the officer's official record, it will include the following:

(NOTE: UCMJ, Article 15 authorizes a punitive discharge for drunk, impaired or reckless driving. Related civil arrests must be reported.)

a. A brief description of the incident for which the officer was investigated/arrested/tried.

- b. A statement of the charges as filed, if applicable.
- c. A statement of the pleading or findings, if applicable.
- d. A statement of the sentence imposed, if applicable.
- e. The command action being taken or recommended.
- f. A dated acknowledgment by the officer that they may, within 5 days of the acknowledgment, make a statement concerning the matter and, if made, a copy thereof.

NOTE: An officer's failure to submit a statement within the time period shall not be cause for a delay in forwarding the letter report to NAVPERSCOM (PERS-82). If the officer submits a statement after the letter report is forwarded, send the statement under separate cover or by letter of transmittal.

5. **Misconduct- Pay Matters.** Commanding officers or commanders will report to the DFAS Cleveland Center the results of all cases of unauthorized absences and any punishment, which involves a forfeiture or fine from NJP or court-martial. This report will be in addition to the aforementioned report. The report shall include the inclusive dates of the unauthorized absence and/or the details concerning the forfeiture or fine. This report shall be submitted to the disbursing officer for forwarding to the DFAS Cleveland Center.

6. **Nonpunitive Actions Administered Orally or by Letter of Caution.** Nonpunitive actions administered orally or by letter of caution not intended for inclusion in the departmental records of the addressee are not "punishment" within the purview of UCMJ, Article 15 but are considered nonpunitive measures as described in JAGMAN section 0105(b). Notation thereof shall not be made in a fitness report and a copy of such letter shall not be forwarded to NAVPERSCOM for inclusion in the officer's official record. The performance of duty or facts upon which the action was based may properly be mentioned in the next fitness report of the officer concerned.

7. **"Matter of Interest" Holdings**

a. Navy Personnel Command determines whether records or reports of Formal or Informal Investigations or of Courts of Inquiry or other matters should be held to contain "matter of interest" to the official records of any present, former, or potential officer. A "matter of interest" holding ensures that the entire report of a matter, rather than excerpts which might appear in either reports of fitness, letters of commendation, letters of censure, or other means, is available to future reviewing, examining, or selection authorities. "Matter of interest" holdings are administrative actions by NAVPERSCOM and should not be recommended by commands in lieu of or as a substitute for commendatory or disciplinary action or appropriate markings and comments in reports of fitness.

b. In cases where additional information regarding an officer's performance becomes available subsequent to their detachment and transfer to another command, or after a report of fitness for the period in question has already been submitted, a supplementary fitness report is normally considered more appropriate than a request for a matter of interest holding. In those cases in which a "matter of interest" holding has been recommended and the information might be construed to reflect derogatorily on an officer involved, they shall be afforded the opportunity to review the matter and shall submit a signed statement, or declination to make a statement, to NAVPERSCOM. Final determination regarding the "matter of interest" holding will be made by NAVPERSCOM after receipt of the entire case, including the officer's statement.

8. **In Case of an Adverse Report of Fitness**

a. In case of an adverse report of fitness, following Navy Regulations, adverse matter will not be placed in an officer's record without their knowledge.

b. If a fitness report contains matter considered to be adverse, it shall be referred to the officer concerned for such official statement as they may choose to make in reply. If the officer reported upon does not desire to make a statement, they shall state this officially in writing. The reporting senior

shall endorse the original statement and forward it, together with the report, directly to NAVPERSCOM.

c. If a report referred to an officer for a statement is not returned to the reporting senior within a reasonable length of time, the reporting senior shall forward a signed duplicate report to NAVPERSCOM with an explanation of the circumstances. The officer reported upon should be informed when this is done. If the officer on whom an adverse report is made has been detached, the report shall be forwarded to them directly and not via the new reporting senior, except when the officer has been hospitalized. If the address of the officer reported upon is not known, the report shall be forwarded to NAVPERSCOM for referral.

d. In all cases in which matter may be construed as possibly reflecting adversely against an officer, CHNAVPERS resolves the issue in favor of the officer concerned and gives them the benefit of seeing the material with the opportunity to comment thereon.

9. **Homosexual Conduct.** For interim guidance, see DOD Instruction 1332.40 and NAVADMIN 033/94.

10. **Information Which Alleges Indebtedness, Nonsupport, or Paternity**

a. When a commanding officer is in receipt of information which alleges a claim of indebtedness, nonsupport of the member's legal dependents, or paternity of a child born out of wedlock or if it becomes apparent to a commanding officer that an officer under their command has

(1) flagrantly mishandled their personal financial affairs;

(2) repeatedly disregarded a valid court order, current mutual support agreement, or MILPERSMAN 1754-030 and controlling directives requiring them to contribute to the support of their legal dependents; or

(3) after having admitted paternity or having been formally adjudicated as the father of an illegitimate child, willfully neglected to meet the obligations that may attach

thereto, in such a manner as to bring discredit upon the naval service, the commanding officer shall take such action as indicated below.

b. Being guided by the merits of each case, a commanding officer should consider

(1) an appropriate notation in the officer's next regular report of fitness;

(2) a commanding officer's nonjudicial punishment; or

(3) referral to court-martial.

c. The mere involvement of an officer in any dependency, paternity or indebtedness situation should not, of itself, be the sole factor for considering action outlined above. When an officer's conduct in such cases does, in fact, bring discredit upon the naval service, a commanding officer's action per this paragraph is considered to be appropriate since an officer must be morally as well as professionally and physically qualified for their present rank and for promotion to the next higher grade.

11. **Cases of Unauthorized or Unexplained Absence-Policy**

a. In all cases of unauthorized absence or unexplained absence (including failure to report in compliance with official orders, missing movement, or absence over leave or liberty) the commanding officer shall immediately notify NAVPERSCOM (PERS-82) by message, Report Control Symbol BUPERS 1611-7, of all facts and circumstances surrounding the officer's absence.

b. When a naval officer has been absent for 10 days and has not been declared a deserter, notify the next-of-kin by letter as shown in the "Unauthorized Absence-Sample Letters" block. If the member returns prior to being declared a deserter, notify the next-of-kin of such return. When a naval officer has been absent for more than 30 days, DD 553, Deserter/Absentee Wanted By Armed Forces, will be issued on the 31st day of absence. DD 553 shall be issued immediately if it initially appears that an officer may have intended to desert or defect, or they are absent without authority without regard to length of absence and has gone to or remains in any foreign country and while in such foreign country has requested, applied for, or accepted any type

of asylum or residence permit from such country, or any governmental agency thereof.

12. **Unauthorized Absence - Sample Letter**

"I regret the necessity of informing you that your (son/daughter or insert other relationship as appropriate) (insert full name and rank), who was attached to (this/the) ship (or station as appropriate) has been on unauthorized absence since (fill in). Should you know of the whereabouts of your (son/daughter or other relationship), it is suggested that you urge (him/her) to surrender to the nearest naval or other military activity immediately since the gravity of (his/her) offense increases with each day of (his/her) absence. Should your (son/daughter) remain absent for 30 days, (he/she) will be declared a deserter, and a federal warrant will be issued. Information concerning (his/her) absence will be provided to the National Crime Information Center which, in turn, is available to all law enforcement agencies throughout the country."

13. **Distribution of DD 553**

a. The original DD 553 shall be forwarded to NAVPERSCOM (PERS-82) indicating the distribution made. Distribution shall include the Director, Naval Investigative Service; next of kin; the recruiting station nearest the absentee's home of record; headquarters of the state police of the absentee's home state; chief of police in the city given as home address, as well as each of the cities in and adjacent to the port in which the absence occurred; and any other place where it is believed that the absentee may be located (such as a leave address previously used, if other than home address). Maximum notification to Armed Forces agencies in the vicinity of the place where the unauthorized absence occurred will be made; and in foreign ports, when the assistance of civil authorities is required, the commanding officer will prepare and sign a descriptive report and send it to the nearest consul of the United States.

b. In case of aliens believed to be in a foreign country, send a copy of DD 553 to the Department of State, Attn: Visa Officer-SCA/VO, State Annex No. 2, Washington, D.C. 20520. For U.S. citizens believed to be in a foreign country, send a copy to the Department of State, Passport Office/PTLS, 1425 K Street, N.W., Washington, D.C. 20524. A copy of DD 553 shall be filed

in the officer's service record, but removed upon the officer's return and completion of administrative and/or disciplinary action. NAVPERSCOM will normally notify the Federal Bureau of Investigation concerning officer absentees. When unusual circumstances exist, such as unauthorized absentees who are escaped prisoners or are dangerous, the local commanding officer may notify the FBI.

14. **Absentee's Personal Effects.** When DD 553 is issued, the commanding officer shall cause the absentee's personal effects to be collected, inventoried, and placed in safekeeping. Instructions for the appointment of an inventory board and detailed description of its duties are contained in the NAVSUP P-1, Naval Supply System Command Manual. The personal effects of an absentee will be held at their parent command for 3 months, after which they will be disposed of per the NAVSUP P-1. If an officer returns to naval jurisdiction within 3 months after commencement of absentee status, their personal effects will be returned to them at their expense, should they so desire. If the absentee returns to naval jurisdiction after 3 months following commencement of unauthorized absence, their personal effects may be forwarded at own expense provided they are still in naval custody.

15. **DD 616, Report of Return of Absentee.** After DD 553 has been issued, it will remain effective until such time as the officer's return to naval jurisdiction, at which time the DD 616, Report of Return of Absentee, will be issued.

16. **Absentee's Health and Pay Records.** The absentee's health and pay records will be handled following instructions contained in the NAVMED P-117, Manual of the Medical Department and the Navy and Marine Corps Military Pay Procedures Manual, respectively. The officer's service record, containing a copy of DD 553, will be forwarded to NAVPERSCOM (PERS-82) following 30 days absence, but for administrative purposes the absentee will remain attached to their parent command until further instructions are received from NAVPERSCOM. Officers who become absentees subsequent to detachment but prior to reporting to a new duty station are, for administrative purposes, attached to the first activity to which they have been ordered to report for duty.

17. **Upon the Absentee's Return.** Upon an absentee's return from unauthorized absence, the commanding officer receiving the absentee shall report the circumstances by message to NAVPERSCOM, including action taken or contemplated, and submit DD 616 to NAVPERSCOM with copies to addressees listed on the previously issued DD 553, if available. NAVPERSCOM will distribute copies of the DD 616 if the addressees are unknown. Appropriate disciplinary action as warranted shall be initiated by the commanding officer of the command to which the absentee returns unless the absentee returns to other than their assigned duty station, in which case NAVPERSCOM will determine the responsible commanding officer and issue appropriate orders. Any checkage of pay or the loss of earned leave credit in cases of unexcused absence will be initiated by the commanding officer of the officer concerned. Reports of such action will be submitted to the disbursing officer for forwarding to the DFAS Cleveland Center.

MILPERSMAN 1611-020

OFFICER DETACHMENT FOR CAUSE (DFC)

Responsible Office	NAVPERSCOM (PERS-83)	Phone:	DSN	882-3242
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Governing Directives	BUPERSINST 1001.39B JCS Pub 2, Chapter 3, Section IV Uniform Code of Military Justice (UCMJ), Article 15 U.S. Navy Regulations, 1990, Article 1122 BUPERSINST 1610.10
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1. What Is DFC?

a. Detachment for Cause (DFC) is the administrative removal of an officer, whether on active duty or in the Selected Reserve, from his or her current duty assignment before the planned rotation date. An approved DFC waives Minimum Tour for Separation (MTS) and Prescribed Tour Length (PTL) requirements for releasing Permanent Change of Station (PCS) funds.

b. The need for a DFC arises when an officer's performance or conduct detracts from accomplishing the command mission, and the officer's continuance in the billet can only negatively impact the command. DFC is one of the strongest administrative measures used in the case of officers. An approved DFC, together with endorsements, is filed in the officer's official record. As such, a DFC has a serious effect on the officer's future naval career, particularly with regard to promotion, duty assignment, selection for schools, and special assignment. The initiation of a DFC, therefore, should be undertaken with full appreciation of its gravity.

2. When DFCs are Not Appropriate. DFC's generally are not appropriate

a. when the officer is at projected rotation date (PRD) and in receipt of PCS orders, or if an assigned relief has arrived on board who is in a position to assume the duties of the billet.

b. when a reasonable alternative exists to resolve the situation within the command, whatever the cause. As a matter of policy, the Navy Personnel Command considers shore commands, particularly those in the continental United States, capable of dealing with a problem officer without resorting to a request for a DFC.

(1) Exceptions to this policy might be the case of an officer whose repeated conduct while assigned to a relatively independent, isolated area has reflected adversely on the Navy; or

(2) when the seniority or designator of the officer precludes reassignment within the command.

c. for, or instead of, disciplinary action. Appropriate disciplinary action should be taken when warranted. In cases when misconduct is adjudicated at court-martial or mast, the commander or commanding officer initiating the disciplinary action should incorporate a request for the officer's detachment in the command's report of misconduct as required by MILPERSMAN 1611-010.

d. except as noted below, for characterizing an officer's performance of duty in a billet. Performance appraisal is more appropriately dealt with in a report of fitness. If substandard performance or misconduct comes to light after the officer has transferred, that information may and should be reported in a supplemental fitness report or in a disciplinary proceeding.

e. in a case of Selected Reserve officers, review BUPERSINST 1001.39B for administrative removal procedures. The DFC process may be used to characterize the administrative removal from a billet as "FOR CAUSE," and may run concurrently or follow the administrative removal action outlined in reserve personnel instructions. The DFC process may be appropriate in

cases of misconduct or unsatisfactory performance when extensive documentation is necessary.

3. **Reasons for Requesting the DFC.** Reasons for requesting a DFC include

a. misconduct. Any act of misconduct, civil or military, may form the basis for a DFC request. Only in unusual instances will a DFC request by reason of misconduct be approved without disciplinary action having been taken. If no disciplinary action is taken, the rationale for not taking action must be included in the request for the DFC.

b. unsatisfactory performance involving one or more significant events resulting from gross negligence or complete disregard of duty. It is the occurrence of a significant event(s) and the officer's performance during the event(s), which forms this basis for a DFC request.

(1) Contrast this with an Engineering Officer who prepares for an Operational Propulsion Plant Examination (OPPE) and fails it. Unless the Engineering Officer was grossly negligent or completely disregarded his or her duties in preparing for or during the OPPE, a DFC would not be appropriate under this reason. If, however, the command has noted deficiencies in performance and provided meaningful counseling and guidance before the OPPE, a DFC may be appropriate by reason of unsatisfactory performance over an extended period of time as discussed below.

(2) When an officer requests to be relieved, this action will be classified as a significant event.

c. unsatisfactory performance of duty over an extended period of time. There is no fixed time period for this reason; it is dictated by the facts and circumstances of the particular case and the efforts expended by the command to assist the officer in overcoming perceived performance deficiencies. This reason applies to specific performance deficiencies that continue to exist after corrective action has been taken.

d. loss of confidence in an officer in command. The unique position of trust and responsibility an officer in command possesses; his or her role in shaping morale, good order, and discipline within the command; and his or her influence on

mission requirements and command readiness make it imperative that immediate superiors have full confidence in the officer's judgment and ability to command. An articulated, fact-supported loss of such confidence by the immediate superior, with the concurrence of a flag officer in the chain of command, is a sufficient basis to detach an officer in command.

4. **Procedural Requirements before Initiating a DFC Request.**

Procedural or leadership requirements before initiating a DFC request include the following:

a. Command counseling, guidance, training, and appropriate use of fitness reports are required. Letters of instruction are encouraged as they serve to clearly communicate the actions necessary to improve and provide evidence of the timing and focus of the counseling. Commanding officers must guide and motivate members of their commands. Generally, the motivated officer will respond to appropriate counseling and guidance, whereas the unmotivated officer may not.

b. Reassignment within the command has been considered and is not a reasonable alternative.

c. The deficiency is not reasonably susceptible to correction by counseling, training, guidance, or by authorized command disciplinary measures. If abuse of alcoholic beverages is involved, every possible means, including medical treatment or disciplinary action, should be taken to correct the problem since a DFC may only relocate the problem and thus serve no useful purpose.

d. All allegations must be adequately supported by appropriate inquiry or documentation.

e. Where nonjudicial punishment or trial by a court-martial is indicated and misconduct is the sole reason for the request, a request to detach the officer should be included in the command's letter report of the misconduct as required by MILPERSMAN 1611-010.

f. When the DFC request is based on one or more significant events, ensure that the details of the events are adequately documented. An officer requesting to be relieved will be advised by his or her commanding officer of the seriousness of

such a request and its impact on the officer's career before the request is accepted.

g. When unsatisfactory performance of duty over an extended period of time is involved, make sure the developing situation has been properly documented by the use of fitness reports, command counseling, training, and guidance. The fact that a letter of instruction (LOI) has been issued may be duly noted in a fitness report and, if properly drafted, may serve to document that the requisite command guidance and counseling has been given.

h. Strong, frank, and meaningful command guidance and counseling must be given and documented in this type of DFC request. These are management-assist tools targeted to advise the officer of the need for improvement and to help in that improvement process. The degree to which provided will vary depending on the seniority and experience of the officer involved. In many cases frank and meaningful discussion will achieve the desired improvement but, in such cases, a memorandum for the record should be considered.

i. An LOI, if used, must describe specific weaknesses, recommend suitable and reasonable measures for improvement, clearly establish the desired performance standard, and, if appropriate, establish a period of time for correction of the performance deficiency. The LOI must be delivered to the officer at the time of counseling and the officer should acknowledge receipt in writing. (Note that counseling and guidance, including issuance of an LOI, may not be appropriate for misconduct, unsatisfactory performance involving a significant event, or loss of confidence).

j. The officer must be given a reasonable period of time to improve and achieve a satisfactory and acceptable level of performance. The period given will vary with the requirements imposed on the officer by the command counseling or LOI and must be reasonable under the circumstances.

5. Requirements for Requesting a DFC. The following steps are required in requesting a DFC:

Step	Action
1	State the specific reason or reasons for the request.
2	Indicate the time the officer has been on board and the length of time in the position to which the DFC relates.
3	Provide a detailed statement describing the facts and circumstances, which support the reason(s) for the request. For requests based on a significant event, describe the event involved, the officer's duties, and the complete disregard or gross negligence associated with the performance of those duties.
4	If the request is made by reason of unsatisfactory performance of duty over an extended period of time, indicate what corrective actions were taken to improve or correct the officer's performance and the results of those actions. Do not submit a special report of fitness to support the DFC request. However, the request should provide a chronology of events leading up to the request and evidence of command counseling and guidance.
5	Indicate whether or not disciplinary action has been taken and, if not, why not. If misconduct is not the sole basis for the DFC, do not forward the request until all disciplinary action is completed, including any appeals.
6	Include a statement that the request, if approved, will be filed in the officer's official record. NOTE: Nonpunitive actions may not be mentioned in, or included as, enclosures to the request. The facts, which gave rise to those actions, however, may be mentioned in the request, if relevant. LOIs are not considered to be punitive actions and should be included to document command counseling and guidance.
7	Indicate in the request or in an endorsement to the request, that a copy of the request is being referred to the officer for a written statement concerning the DFC request and that the officer is being given a specific amount of time (normally 15 calendar days) within which to respond to the request.

6. **If the Officer Refuses to Acknowledge the DFC.** If the officer refuses to acknowledge the DFC, explain the DFC process to the officer (i.e., that it may be included in the officer's official record, and that the officer has a right to submit a written statement concerning the DFC); indicate on the acknowledgment form that the officer was advised of the process and refused to acknowledge it; and sign and date the acknowledgment.

7. **Officer's Statement.** Any statement made by the officer must be couched in temperate language, be confined to the pertinent facts, and neither impugn the motives of others nor make countercharges. It should be thoughtful and to the point.

8. **Exceptions to the Requirement for Referral of the DFC Request to the Officer.** Exceptions to the requirement for referral of the DFC request to the officer concerned may be made only under the following conditions with the reasons for nonreferral set forth in detail in the DFC request or an endorsement to the request:

a. When the officer is under medical care and the attending physician or clinical psychologist considers that referral of this matter to the officer would adversely affect the officer's condition.

b. When such referral would constitute a disclosure of classified material to which the member is not authorized access, but only where the matter cannot be sufficiently declassified in part to allow the officer concerned to be informed of the possible action against him or her.

9. **Submission Process.** When the determination has been made to request the detachment for cause of an officer, notify NAVPERSCOM (PERS-82/PERS-4) by message. Briefly state the reasons and the nature of the DFC. Indicate "For Official Use Only." Preliminary action will commence, but in all cases the command must submit a detailed letter as outlined below. Final action will be taken by NAVPERSCOM only on the basis of this letter which, with the officer's statement, may be made a part of the officer's official record.

a. The request will not be made as an enclosure to a fitness report or other correspondence, but may include such items as its own enclosures.

b. Unless the inclusion of classified information is necessary to comply with other requirements of this article, the letter should be unclassified. To ensure privacy in handling, mark the letter "For Official Use Only" and mail it in double envelopes. Address the outer envelope to NAVPERSCOM (PERS-82), and mark the inner envelope, "Officer Performance, For Official Use Only."

10. **DFC for Misconduct when Punishment is not awarded at Mast or Court-Martial.** DFC for misconduct when punishment is not awarded at mast (NJP) or court-martial will continue to be processed per this article. When punishment is awarded, incorporate the detachment request in the command's report of court-martial/nonjudicial punishment.

a. Expand the letter report to include the command's recommendation as to

(1) whether the officer should be detached.

(2) whether the officer's misconduct warrants promotion delays or removal (if on a promotion list).

(3) whether the officer should be required to show cause for retention.

b. In cases of court-martial, when dismissal is not awarded, provide a cover letter to the court-martial order that addresses the aforementioned issues.

c. If a recommendation is negative, forward the request to NAVPERSCOM (PERS-82) via the officer for comment.

(1) The officer's statement may only address the issues of detachment, promotion delay or removal, and/or show cause processing.

(2) After the officer has submitted his or her comments, return to the command for second endorsement and then forward the report for endorsement by the first flag officer in the administrative chain of command.

11. **All Other DFC Requests.** All other DFC requests must be sent to NAVPERSCOM (PERS-82) via the administrative chain of command (to include at least a flag officer) and the officer concerned, for acknowledgment and an opportunity to submit a statement. This does not prevent fleet commanders-in-chief or type commanders from requiring DFC requests to be forwarded through their chain of command.

a. The officer should normally be the first via addressee on the request and the requesting command will be the second via addressee.

b. If the officer is no longer assigned within the geographic area of the requesting command, the first via addressee will be the officer's current temporary command. A copy of the officer's written statement will be provided to the requesting command and a notation to that effect will be made on the endorsement forwarding the DFC.

c. The requesting command may comment on the officer's statement; however, if this comment includes adverse factual matter not previously addressed or included in the DFC request, the officer concerned must be provided a copy and be given an opportunity to respond.

NOTE: The same is true if any later endorsement includes adverse factual matter not previously addressed or included in the DFC request.

d. Flag-officer-initiated requests may be forwarded to NAVPERSCOM (PERS-82), via the officer concerned, with copies to the administrative chain of command and the operational commander.

e. Requests originated by commander-in-chief or commanders of joint staffs may be addressed directly to NAVPERSCOM (PERS-82) via the officer concerned and will be given special handling. Compliance with the other provisions here relating to DFC requests is required.

f. Requests on officers serving with Marine Corps units will be in compliance with this article. The detachment request will be forwarded to NAVPERSCOM (PERS-82) via the officer concerned and the applicable Marine Corps chain of command.

g. Requests on officers serving with Army or Air Force units are contained in MILPERSMAN 1300-060 and JCS Pub 2, Chapter 3, IV.

h. Expeditious processing and forwarding of a DFC request is mandatory, as the officer concerned is normally in a nonproductive status awaiting final determination of the request. In the absence of unusual circumstances, the DFC request should be forwarded within 5 working days of receipt by each command in the rotating chain.

12. **Additional Requirements Governing the DFC of an Officer in Command.** Additional requirements governing the DFC of an officer in command include:

a. A request for the DFC of an officer in command generally evolves from the same type of circumstances delineated above. An evaluation by a superior in the chain of command of failure on the part of an officer in command to exercise sound judgment in one or more areas and loss of confidence will constitute a sufficient basis to request the DFC of that officer. If the responsible superior is not a flag officer, it is desirable that the concurrence of a flag officer in the chain of command be obtained, when practicable, prior to acting.

(1) For the purposes of this paragraph, an officer in command is any officer who holds authority to punish subordinates under Article 15, Uniform Code of Military Justice (UCMJ). Department head equivalent billets will not be considered as officer in command; therefore, the loss-of-confidence basis would not be appropriate. Executive officers detailed to automatically fleet up to the commanding officer billet may be detached under this paragraph.

(2) When a determination has been made to request the DFC of an officer in command, NAVPERSCOM will be notified by message, briefly setting forth the reasons therefor, whether the officer has been in fact relieved, and the name of the acting commanding officer. The message will have the chain of command as information addressees. In order to ensure privacy in handling the message, the originator should use the special handling designator "Personal for Navy Personnel Command." The officer concerned will be personally informed of the essential facts, which preclude his or her continuation in command prior to or upon transmittal of the message.

b. Appropriate action will be taken in response to the message, which will normally be to issue the officer temporary duty orders to the staff of a superior in the administrative chain of command pending final resolution of this matter. Liaison with the appropriate superior will determine the timing for providing a relief.

c. The message request will be followed by a letter request. This letter will be forwarded via the officer concerned for his or her statement as described above and will then be forwarded via the type commander and the administrative chain of command to NAVPERSCOM (PERS-82). The type commander will send the request to NAVPERSCOM with copies to the fleet commander. This does not prevent the commander-in-chief from requiring such requests to be forwarded via him or her.

d. Although an officer may have been detached from command, NAVPERSCOM will not characterize a detachment and record that fact in an officer's record until the request, statement of the officer concerned, and endorsements have been reviewed.

e. In addition to the request for detachment, the circumstances may indicate the necessity for an investigation under the JAG Manual or other type of inquiry. If such an investigation is convened, send an advance copy of the appointing order, the report, and each endorsement to NAVPERSCOM (PERS-82).

f. Nothing in the foregoing detracts the inherent authority of a superior in command to relieve an officer in command of a subordinate unit in order to assure accomplishment of the assigned mission. In such case, the summary relief should be followed by a request for the DFC initiated by the superior in command under this article.

13. **Requirements Governing Prospective Officers in Command (PCOs) Under Investigation**

a. Requirements governing prospective officers in command (PCOs) under investigation (including a prospective officer in charge) include PCOs under investigation for conduct or performance, which may lead to disciplinary action or adverse administrative action, will not be permitted to assume command. After the investigation has been completed, they will be re-evaluated for command suitability.

b. The PCO's reporting senior will follow these three steps:

Step	Action
1	Except in those instances when the investigation would be jeopardized, the reporting senior will notify the PCO personally and in writing of allegations against him or her and that he or she will not assume command until the investigation is completed and a determination of fitness for command has been made.
2	Provide the PCO with an opportunity to make a written statement (generally no less than 15 calendar days of receipt of written notification or any other designated time period or date.)
3	Forward copies of the notification, any details of circumstances surrounding the allegations, and the officer's statement (if any) to Pers-82 via the administrative chain of command.

c. The investigation will be conducted on a priority basis, to be completed within 30 days.

d. PCOs will continue to progress through the appropriate training pipeline during the investigation, unless they specifically request a transfer.

e. Results of the completed investigation will be forwarded by the responsible command to NAVPERSCOM (PERS-82) via type commander, for resolution and final determination of the PCOs fitness for command.

f. In those unusual cases where a completed investigation and determination of fitness for command cannot be obtained in time to provide an orderly assumption of command, the type commander will forward a request for reassignment of PCO and assignment of a qualified officer to command. This request will be forwarded to NAVPERSCOM PERS-4.

(1) The PCO concerned will be notified in writing of an approved request and the circumstances, which necessitated the action.

(2) If the DFC is not approved, priority action will be taken to normalize the PCO's career and place him or her in command as soon as practical.

14. **Action required After the Request.** The next superior in command who is a via addressee to the DFC request should, whenever possible, conduct an interview with the officer concerned and make appropriate comments concerning the interview in the endorsement to the request.

a. Material relating to a DFC request will not be attached to or referenced in fitness reports until a final decision on it has been made. The commanding officer may, however, comment on the performance or conduct which led to the DFC request. The requirements of U.S. Navy Regulations, 1990, Article 1122 apply.

b. When a DFC request has been initiated or, in special circumstances, contemplated, the officer concerned may be assigned in a temporary additional duty status to a nearby command provided the cognizant type commander agrees. For officers in command, see the "Additional Requirements Governing the DFC of an Officer in Command" block, above.

c. In requests involving officers in command, unless another officer is detailed by NAVPERSCOM to assume command awaiting the outcome of the request, command devolves according to the succession-to-command provisions of U.S. Navy Regulations, 1990.

d. See BUPERSINST 1610.10 for policies concerning detachment fitness reports in case of DFC.

15. **Officer's Response to DFC**

(DATE)

I have received the letter requesting my detachment for cause and I understand that the request may be filed in my official record.

I am aware of the contents of MILPERSMAN 1070-020 and I (do/do not) desire to make a written statement.

I further understand that I have 15 calendar days from this date (until [specific date]) to submit my statement. If I make such election and then fail to submit a statement in that period of time, it will be treated as a waiver of that right. I understand that any statement I make must be couched in

temperate language, be confined to the pertinent facts, and not impugn the motives of others or make countercharges.

(SIGNATURE)

16. Command's Letter for DFC

From: (requesting command)
To: Commander, Navy Personnel Command (PERS-82)
Via: (1) (officer concerned)
(2) (requesting command if officer concerned still present, otherwise succeeding via addressees will be as required by this article and local regulations)
(3) (at least the first flag officer in administrative chain of command)

Subj: DETACHMENT FOR CAUSE ICO (OFFICER CONCERNED)

Ref: (a) MILPERSMAN 1611-020
(b) (other as necessary)

Encl: (1) (as necessary; e.g., fitness reports [required for performance over extended period of time]; LOIs; documented counseling and guidance; Supervisor's statements; logs, records, or other relevant documents; NJP reports; court-martial orders; civil conviction documents; etc.)
(n) Acknowledgment form of (date)

1. Per reference (a), I request that (officer concerned) be detached for cause from (command) by reason of (misconduct, unsatisfactory performance of duty involving a significant event, unsatisfactory performance of duty over an extended period of time, or my loss of confidence in (officer concerned) ability to command, as warranted).

2. (Officer concerned) has been assigned to this command since (date) and has been performing duties as (billet to which assigned or duty involved) since (date).

3. (Include the factual support for the reason(s) specified in paragraph 1 and justification for the request citing appropriate enclosures.)

4. (Use the next paragraphs to discuss any matter considered relevant and appropriate, e.g., reassignment feasibility/non-feasibility; status of disciplinary action, if any, and its results; etc.)

5. I have given a copy of this request to (officer concerned) this date and, by enclosure (n), have informed (him/her) that the request may be filed in (his/her) official record. (He/she) was also informed by enclosure (n) that (he/she) has a right to submit a written statement and has 15 days, until (date) within which to do so.

(SIGNED BY CO)

Copy to: (with or without enclosures, as appropriate)
(as necessary or required by regulation)
